

86TH CONGRESS
2^D SESSION

H. R. 10978

IN THE SENATE OF THE UNITED STATES

APRIL 5, 1960

Read twice and referred to the Committee on the Judiciary

AN ACT

To provide for the settlement of claims against the United States by members of the uniformed services and civilian officers and employees of the United States for damage to, or loss of, personal property incident to their service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Military Personnel and
4 Civilian Employees' Claims Act of 1960".

5 SEC. 2. As used in this Act—

6 (1) "agency" includes an executive department,
7 independent establishment, or corporation primarily act-

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1 ing as an instrumentality, of the United States, but does
2 not include any contractor with the United States;

3 (2) "uniformed services" means the Army, Navy,
4 Air Force, Marine Corps, Coast Guard, Coast and Geo-
5 detic Survey, and Public Health Service; and

6 (3) "settle" means consider, ascertain, adjust, de-
7 termine, and dispose of any claim, whether by full or
8 partial allowance or disallowance.

9 SEC. 3. (a) Under such regulations as the head of an
10 agency may prescribe, he or his designee may settle and
11 pay a claim arising after the effective date of this Act against
12 the United States for not more than \$6,500 made by a mem-
13 ber of the uniformed services under the jurisdiction of that
14 agency or by a civilian officer or employee of that agency,
15 for damage to, or loss of, personal property incident to his
16 service. If the claim is substantiated and the possession of
17 that property is determined to be reasonable, useful, or
18 proper under the circumstances, the claim may be paid or
19 the property replaced in kind. This subsection does not
20 apply to claims settled and paid before its enactment.

21 (b) If a person named in subsection (a) is dead, the
22 head of the agency concerned, or his designee, may settle
23 and pay any claim made by the decedent's surviving (1)

1 spouse, (2) children, (3) father or mother, or both, or (4)
2 brothers or sisters, or both, that arose before, concurrently
3 with, or after the decedent's death and is otherwise covered
4 by subsection (a). Claims of survivors shall be settled and
5 paid in the order named.

6 (c) A claim may be allowed under subsection (a) for
7 damage to, or loss of, property only if—

8 (1) it is presented in writing within two years after
9 it accrues, or within one year after the date of the enact-
10 ment of this Act, whichever is later, except that if the
11 claim accrues in time of war or in time of armed con-
12 flict in which any armed force of the United States is
13 engaged or if such a war or armed conflict intervenes
14 within two years after it accrues, and if good cause is
15 shown, the claim may be presented not later than two
16 years after that cause ceases to exist, or two years after
17 the war or armed conflict is terminated, whichever is
18 earlier;

19 (2) it did not occur at quarters occupied by the
20 claimant within the fifty States or the District of Colum-
21 bia that were not assigned to him or otherwise provided
22 in kind by the United States; or

23 (3) it was not caused wholly or partly by the negli-

1 gent or wrongful act of the claimant, his agent, or his
2 employee.

3 (d) For the purposes of subsection (c) (1), the dates
4 of beginning and ending of an armed conflict are the dates
5 established by concurrent resolution of Congress or by a de-
6 termination of the President.

7 (e) The head of each agency shall report once a year to
8 Congress on claims settled under this section during the
9 period covered by the report. The report shall include
10 for each claim the name of the claimant, the amount claimed,
11 and the amount paid.

12 SEC. 4. Notwithstanding any other provision of law, the
13 settlement of a claim under this Act is final and conclusive.

14 SEC. 5. Chapter 163 of title 10, United States Code, is
15 amended as follows:

16 (1) Section 2735 is amended by striking out the figure
17 "2732," and the comma after the figure "2733".

18 (2) The analysis is amended by striking out the fol-
19 lowing item:

 "2732. Property loss: incident to service; members of Army, Navy, Air
 Force, or Marine Corps and civilian employees."

20 (3) Section 2732 is repealed.

21 SEC. 6. Section 2 of the Act of June 7, 1956, chapter
22 376 (70 Stat. 255), is repealed.

1 SEC. 7. Chapter 13 of title 14, United States Code, is
2 amended as follows:

3 (1) The analysis is amended by striking out the follow-
4 ing item:

"490. Settlement of claims of military and civilian personnel."

5 (2) Section 490 is repealed.

Passed the House of Representatives April 4, 1960.

Attest: RALPH R. ROBERTS,
Clerk.

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